

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIKE HUCKABEE, RELEVATE GROUP,
DAVID KINNAMAN, TSH OXENREIDER,
LYSA TERKEURST, and JOHN BLASE
*on behalf of themselves and all others
similarly situated,*

Plaintiffs,

v.

META PLATFORMS, INC., BLOOMBERG
L.P., BLOOMBERG FINANCE, L.P.,
MICROSOFT CORPORATION, and
THE ELEUTHERAI INSTITUTE,

Defendants.

Case No. 1:23-cv-09152-LGS

**JOINT STIPULATION AND
[PROPOSED] ORDER SEVERING
AND TRANSFERRING CLAIMS
AGAINST DEFENDANTS META
PLATFORMS, INC. AND
MICROSOFT CORPORATION**

This stipulation and proposed order (the “Stipulation”) is made by and among Plaintiffs Mike Huckabee, Relevate Group, David Kinnaman, Tsh Oxenreider, Lysa TerKeurst, and John Blase (“Plaintiffs”) and Defendants Meta Platforms, Inc (“Meta”) and Microsoft Corporation (“Microsoft”) (“Stipulating Defendants”; together with Plaintiffs, the “Parties”), by and through their counsel, as follows:

WHEREAS, on October 17, 2023, Plaintiffs filed a Class Action Complaint (“Complaint”), ECF No. 1, naming, among others, the Stipulating Defendants as defendants;

WHEREAS, on December 15, 2023, pursuant to this Court’s Order dated December 6, 2023 (Dkt. 52), the Stipulating Defendants submitted a letter to the Court asserting that venue is improper in this District under the First Filed Rule and 28 U.S.C. §1404(a) on the ground, among others, that the claims against the Stipulating Defendants in this action overlap with claims asserted against Meta in two cases previously filed in the Northern District of California: *Kadrey et al. v. Meta Platforms, Inc.*, Case No. 23-cv-03417-VC, filed July 7, 2023, and *Chabon et al. v. Meta*

Platforms, Inc., No. 23-cv-04663-VC, filed September 12, 2023, now consolidated for all purposes before the Honorable Vince Chhabria. (*See* Dkt. 58);

WHEREAS, that same day, Plaintiffs informed the Court that the Parties have agreed to resolve issues related to venue for Plaintiffs' claims against the Stipulating Defendants (Dkt. 57);

WHEREAS, by Order dated December 18, 2023, the Court instructed the Parties to prepare and file a stipulation memorializing their agreement by December 22, 2023 (Dkt. 61);

NOW, THEREFORE, in consideration of the foregoing, which are incorporated into this Stipulation, the Parties hereby stipulate and agree as follows:

1. The Parties consent and stipulate to severing all of Plaintiffs' claims against the Stipulating Defendants, and transferring those claims to the United States District Court for the Northern District of California, pursuant to the Court's authority under 28 U.S.C. §1404(a) and Rule 21 of the Federal Rules of Civil Procedure.

2. The relief stipulated to herein shall not affect Plaintiffs' claims against defendant The EleutherAI Institute (which Plaintiffs have agreed to dismiss without prejudice) or defendants Bloomberg L.P. and Bloomberg Finance, L.P. (as to whom Plaintiffs intend to continue to pursue their claims in this Court).

IN WITNESS WHEREOF and in agreement herewith, by and through their counsel, the Parties have executed and delivered this Stipulation as of the date first set forth below.

Date: December 22, 2023

Respectfully Submitted,

By: /s/ Amy Keller

Adam J. Levitt
Amy E. Keller, *pro hac vice*
James A. Ulwick, *pro hac vice*
DICELLO LEVITT LLP
Ten North Dearborn Street, Sixth Floor

By: /s/ Angela L. Dunning

Angela L. Dunning, *pro hac vice*
**CLEARY GOTTlieb STEEN &
HAMILTON LLP**
1841 Page Mill Rd., Suite 250
Palo Alto, CA 94304
Tel: 650-815-4100

Chicago, Illinois 60602
Tel. (312) 214-7900
alevitt@dicellolevitt.com
akeller@dicellolevitt.com
julwick@dicellolevitt.com

Mr. Seth Haines, *pro hac vice*
Mr. Timothy Hutchinson, *pro hac vice*
Ms. Lisa Geary, *pro hac vice*
RMP, LLP
5519 Hackett Street, Suite 300
Springdale, Arkansas 72762
Tel: (479) 443-2705
shaines@rmp.law
thutchinson@rmp.law
lgeary@rmp.law

Mr. Scott Poynter, *pro hac vice*
POYNTER LAW GROUP
407 President Clinton Avenue, Suite 201
Little Rock, Arkansas 72201
Tel: (501) 812-3943
scott@poynterlawgroup.com

Attorneys for the Plaintiffs and the Proposed Class

adunning@cgsh.com

David H. Herrington
**CLEARY GOTTLIEB STEEN &
HAMILTON LLP**
One Liberty Plaza
New York, NY 10006
Tel: 212-225-2000
dherrington@cgsh.com

Bobby A. Ghajar, *pro hac vice*
COOLEY LLP
1333 2nd St., Suite 400
Santa Monica, CA 90401
Tel: 310-883-6400
bghajar@cooley.com

Attorneys for Meta Platforms, Inc.

Annette Louise Hurst, *pro hac vice*
**ORRICK, HERRINGTON & SUTCLIFFE
LLP (SAN FRANCISCO)**
The Orrick Building
405 Howard Street
San Francisco, CA 94105
Tel: (415) 773-4585
ahurst@orrick.com

By: /s/ Jeffrey S. Jacobson
Jeffrey S. Jacobson
**FAEGRE DRINKER BIDDLE & REATH
LLP**
1177 Avenue of the Americas, 41st Floor
New York, NY 10036
Tel: 212-248-3191
jeffrey.jacobson@faegredrinker.com

Attorneys for Microsoft Corporation

SO ORDERED:

Dated: _____

UNITED STATES DISTRICT JUDGE
HON. LORNA G. SCHOFIELD

CERTIFICATE OF SERVICE

I certify that on the 22nd day of December 2023, undersigned counsel electronically filed the foregoing stipulation.

/s/ Amy Keller
Amy Keller
Counsel for the Plaintiffs